

# Formal Action #6713

IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE

FOR THE TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

**STATE OF TENNESSEE,**

**Petitioner,**

**v.**

**ONE CALL COMMUNICATIONS, INC.,**

**doing business as OPTICOM, a foreign  
corporation and also known as CENTRAL  
TELEMARKETING CORPORATION,**

**Respondents.**

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**PETITION**

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Charles W. Burson, Attorney General and Reporter for the State of Tennessee, (hereinafter "Attorney General"), files this Petition pursuant to Tenn. Code Ann. § 47-18-107 of the Tennessee Consumer Protection Act of 1977 (hereinafter "the Act"), and would respectfully show the Court as follows:

1. The Division of Consumer Affairs of the Tennessee Department of Commerce and Insurance (hereinafter "the Division") and the Attorney General, pursuant to the Act, have investigated certain actions and practices of One Call Communications, Inc., doing business as Opticom, a foreign corporation also known as Central Indiana Telemarketing Corporation, (hereinafter "Respondent"). Upon completion of the investigation, the Division has determined that certain of Respondent's actions and practices more specifically described in Paragraph 2 of this Petition, constitute unfair and deceptive acts or practices affecting the conduct of trade or commerce in the State of Tennessee in violation of Tenn. Code Ann. § 47-18-104(a), and further that such acts and practices constitute violations of Tenn. Code Ann. §§ 47-18-104(a), (b)(2), (b)(3), (b)(5), (b)(12) and (b)(27) and various provisions of Tenn. Code Ann. § 65-5-206, the Tennessee law relating to alternative operator services. This investigation was conducted in connection with the Tennessee Regulatory Authority's Consumer Services Division.

2. Based upon their investigation of Respondent, the Division and the Attorney General allege the following:

- (A) Respondent was at all times relevant to this Petition in the business of offering pay telephone long distance operator services to consumers in the State of Tennessee.
- (B) Consumers using Respondent's pay telephones were charged long distance telephone rates in excess of those permitted by law, regulation, rule or tariff in violation of Tenn. Code Ann. § 65-5-206.
- (C) Additionally, the Respondent also added an additional "property imposed fee" of one dollar (\$1.00) to each operated assisted telephone call placed from Respondent's pay telephones.
- (D) Respondent failed to inform or otherwise disclose the property imposed fee to consumers prior to charging them the fee.
- (E) Respondent failed to comply with various provisions of Tennessee law relating to alternative operator services.
- (F) Respondent's conduct constitutes unfair and deceptive acts or practices in violation of the Tennessee Consumer Protection Act.

3. Respondent neither admits nor denies any wrongdoing. Respondent disputes the position of the Division and the Attorney General.

4. Upon completion of its investigation, the Division requested the Attorney General to negotiate, and if

possible to accept, an Assurance of Voluntary Compliance in accordance with the provisions set forth in Tenn. Code Ann. § 47-18-107.

5. The Attorney General entered into negotiations with Respondent and the parties have agreed to, and the Division has approved, the Assurance of Voluntary Compliance submitted contemporaneously with this Petition.

6. In accordance with the provisions of Tenn. Code Ann. § 47-18-107(c), the execution, delivery and filing of the Assurance does not constitute an admission of prior violation of the Act.

7. The Division, the Attorney General, and the Respondent, the parties who are primarily interested in the matters set forth in Paragraph 2 above, have jointly agreed to the Assurance of Voluntary Compliance and join in its filing.

PREMISES CONSIDERED, Petitioner prays:

1. That this Petition be filed without cost bond pursuant to the provisions of Tenn. Code Ann. §§ 20-13-101 and 47-18-116.

2. That the Assurance of Voluntary Compliance be approved and filed in accordance with the provisions of the Tennessee Consumer Protection Act.